

Minutes
Vote Indiana Team Meeting
May 30, 2003
Indiana Government Center South, Conference Room A
Indianapolis, Indiana

Todd Rokita, Secretary of State
Christa Adkins, Indiana Libertarian Party
Tami Barreto, League of Women voters
Amos Brown, Minority Community Representative
Dick Dodge, Steuben County Commissioner
David Bortoff (for Dick Dodge), Association of Indiana Counties
Pam Finalyson, Allen County Election Administrator
Linda Grass, Hancock County Clerk
Dee Ann Hart, Disability Community Representative
Laura Herzog, Hendricks County Election Supervisor, IVRA representative
Suellen Jackson-Boner, Governor's Planning Council for People with Disabilities
Mike Kiefer, Military Representative
Brad King, Indiana Election Division
Jon Laramore, Office of the Governor
Martha Padish, Vermillion County Clerk
Pat Padowski, Proxy for Sally Lasota, Lake County Election Administrator
Zach Main, Indiana Republican Party
Regina Moore, Lake County Board of Voter Registration, IVRA representative
Nick Rhoad, Disability Community Representative
Kathy Richardson, State Representative
Kristi Robertson, Indiana Election Division
Joe Ryan, Military Representative
Doris Ann Sadler, Marion County Clerk
Patricia Wilson, Hispanic Community Representative
Robin Winston, Indiana Democratic Party
Facilitators: Sarah Taylor, Anita Kolkmeier, and Holly Davis

Others present were the following:

Steve Shamo, MicroVote Corp.
Cris Fulford, Attain, Inc. and COVOH
Julia Vaughn, Count Us In
Julie Booth, Accenture
Jody Courtney, Count Us In, Delaware County
Linda Muckway, Count Us In, Delaware County
Tona Snowberger, Citizen from Delaware County
Phyllis Davis, Count Us In
Sharon Dugan, Hendricks County Clerk
Michelle Moore, Bureau of Motor Vehicles
Gail Hart, IVS
Kevin Mullin, Covansys
Chris Horne, Quest

Bill McCully, Quest
Robb McGinnis, ES & S

Chairman Todd Rokita called the meeting to order at 1:11 p.m. and reviewed the agenda. The minutes from the April 11, 2003 Vote Indiana Team meeting, as well as the notes from the April 25, 2003 Accessibility subgroup meeting, May 22, 2003 Accessibility subgroup meeting, May 9, 2003 Election Administration subgroup meeting, May 16, 2003 Statewide Voter File subgroup meeting, May 9, 2003 Training and Education subgroup meeting, and May 16, 2003 Voting Equipment subgroup meeting, were approved after changes were made to the May 16, 2003 Statewide Voter File subgroup notes regarding Mr. King's statement on page 2 that the Sec. 101 funds be repaid from Title III requirements fund for the independent consultant. Jon Laramore also requested that the May 16, 2003 Statewide Voter File and Voting Equipment subgroup meeting notes reflect that the former Arkansas Secretary of State, Sharon Priest, is affiliated with ADG.

Chairman Rokita introduced Indiana's Treasurer of State Tim Berry to explain the Indiana Bond Bank's Hoosier Equipment Lease Purchase (Help) Program. Treasurer Berry explained how the program, which assists communities in acquiring equipment at cash prices and utilize tax-exempt interest rates, could help counties purchasing voting equipment. One advantage of HELP, noted Treasurer Berry, is that counties would not have to dip into general funds to buy equipment before being reimbursed by HAVA funds.

Facilitator Sarah Taylor began the discussion of the draft state plan, section by section.

Section 1: Amos Brown expressed his concern that "mail-in registrations" had not been clearly defined, either under HAVA or in the state plan. Chairman Rokita offered that Indiana is not alone in questioning the vague definition; however the Justice Department would probably not make a decision about what constitutes a "mail-in registration" until at least after the Election Assistance Commission has its first meeting. State Representative Kathy Richardson added that the problem is further compounded when administrators try to figure out which forms are mail-ins, which are walk-ins, or which are part of a voter registration drive. Robin Winston suggested that Chairman Rokita write the Voters' Rights division at the Justice Department about the confusion, and copy the Indiana Congressional delegation. Team members debated if they could go forward by creating their own definition and whether it would be enforceable. Ms. Finlayson asked what the harm was in taking a strict definition of "mail-in." Mr. King answered that depending on how the DOJ interprets the law, voter registration officials may have to go back and collect data if the DOJ takes a broader approach. Ms. Robertson added that several forms could be classified as mail-in registration and therefore, the voter registration officials may not be able to track them. Pam said that they had talked about creating another form. Mr. Main asked if we were talking about a small group of people. Ms. Robertson said no because the law requires first time registrants in each county not the state. Ms. Richardson said that her office's policy is that a postmark equals mail-in registration and when registration is dropped off in person, it is file stamped on the back. She also indicated that the only problem is when voter registration is conducted at the fair (or somewhere else) and then all forms are mailed in. They make a determination on case by case basis in this instance. Mr. Main suggested that we treat all the same. However, Ms. Richardson said that on Election Day, 2/3 of

voters would have to vote on provisional ballots. Mr. Main then suggested sending a letter saying that we need i.d. and asked if problem was too large to do that. As each county is currently interpreting the HAVA rules in their own way, but the specific definition is not necessary in the plan in order to secure HAVA dollars, the team decided to table the discussion on what a “mail-in registration” is until after the public comment period is over. The Indiana Election Division and individual Team members were asked to bring their suggestions in writing to the next meeting. Chairman Rokita suggested that the Team could recommend that the Indiana Election Division prepare a memo for clerks and voter registration officials on handling this issue. Mr. Winston suggested the memo be posted on the web site.

Section 2: Jon Laramore submitted, in writing, some technical changes to the wording of the plan. Mr. Winston suggested members receive a report summarizing each counties’ degree of success with meeting the performance measures. Mr. Laramore said that he did not want Indiana’s HAVA funds to be at risk if a county would not comply with the accessibility requirements. Chairman Rokita said that a MOU could help define the conditions of, and expectations associated with, the HAVA money. Mr. Laramore said that grants with grant terms could also be used. Doris Anne Sadler asked what if a county says they don’t want the money. Mr. Laramore then asked if there was a provision that if counties don’t comply, they must go back to paper ballots and suggested that may be the answer. Ms. Sadler suggested a court mandate and penalties for noncompliance, but noted that would require a legislative change. Todd asked Ms. Sadler or Mr. Laramore to draw up language for this. Mr. Laramore agreed to this task.

Section 3: Members asked that the language for Training and Education be more specific with regards to on-going training, military outreach by way of the IED website and a military/overseas absentee voter guide, and sensitivity training, laying out how the money will be used. Chairman Rokita asked about on going training given the fact that HAVA dollars will end. Mr. Winston wanted language inserted that the SOS/IED submit a budget that reflects how the \$3.9 million (total training and education amount) will be spent. Chairman Rokita reminded the team that \$1.4 million was already set aside for voter education. There was consensus that the SOS/IED would need to start preparation for training immediately and that they use their discretion prior to the 2004 election. Mrs. Sadler suggested a legislative change that would tighten up statute regarding the deadline for hiring poll workers including additional time for the clerk to perform this task upon the failure of county chairs to submit names. This proposal was added to the plan. Ms. Hart requested that the plan include language regarding all training should demonstrate “interaction with the members of the disability community.” The Team agreed with Dee Ann and the preliminary plan should reflect this language on page 6, paragraph 1.

Section 4: Brad King submitted, in writing, some technical changes to the wording of the plan on page 8.

Section 5: Team members found no objection to the language in the draft state plan. (Jon’s technical language changes were utilized from earlier)

Section 6: Suellen Boner-Jackson requested that an objective be specified, as election reform is greater than just the HAVA legislation. Chairman Rokita explained how the grievance

funds are disseminated to the Secretary of State and the Indiana Election Division. Representative Richardson requested that the counties have access to the grievance administration funds as well, because voters can also file grievances at the county level. There was consensus that the IED would develop criteria under which counties can apply for grievance money. Kristi explained that the final decision of the Indiana Election Commission is subject to judicial review.

Pam Finlayson presented, in writing, the plan agreed upon during email correspondence by the Voting Equipment subgroup. The plan created a three tier system, in which Tier 1 counties are currently on punch card or lever systems; Tier 2 counties were on punch card or lever in November 2000, but have since upgraded their systems; and Tier 3 would be comprised of all other counties needing supplementation to comply with the accessibility requirements in HAVA. Mrs. Sadler registered a strong objection to the three tier system, arguing that Marion County was factored into the HAVA money as a county on lever machines in November 2000, defined as a "qualifying precinct" in HAVA and as such, should be eligible for the HAVA reimbursement now. Ms. Grass indicated that Hancock County was in the same boat as Marion County and she thinks they qualify the same as Tier 1. Ms. Finlayson and Mr. Laramore explained that Tier 2 counties would still be entitled to the money, but not until 2004, allowing those counties that are further out of compliance the opportunity to catch-up and to reduce the risk of Indiana having to return a portion of the money if all counties do not comply. Ms. Sadler stated again that she had a strong objection to Marion County being a second priority. Representative Richardson said that she wanted to get the third version on the table. She said that her county bit the bullet and now feels like step children, but Tier 2 counties, even though they are in Tier 2, are still getting \$8000. Ms. Finlayson explained that we have to step back and look at this logically. She said that we have to take a state view of this. Ms. Sadler said this was a legal issue because the HAVA money was distributed based on approximately 3000 qualifying precincts (from the 2000 election), not the 1375 Tier 1 precincts. Ms. Robertson further stated that we would not have enough money to take care of all the qualifying precincts at the same time. She added this was the reason that we prioritized the tiers but did not prioritize the amounts. Ms. Finlayson added that we had to prioritize because other subgroups needed money for other election reforms. She further explained that the figures were based on the average cost (of DRE's) per precinct minus individual county software expenditures, as those would unduly burden smaller counties. Instead, every county would be given \$50,000 toward software, and Tier 1 and 2 would receive up to \$8,000 per precinct for voting and accessibility equipment, and Tier 3 would receive up to \$4,000 per precinct toward the cost of accessibility equipment. Ms. Sadler indicated again that it was not the dollar amount, but the timing issue. Mr. Laramore suggested a compromise that anyone could apply for reimbursement by a certain date in 2003, but if we don't have enough money, we pay off Tier 1 first.

Mr. Winston asked what the priorities were. Chairman Rokita responded that the voting equipment and statewide voter registration systems are his top 2 priorities. Mr. Winston said that we are relying on the kindness of strangers and trusting people in D.C. Chairman Rokita said that at the very least we have to make these risks known to the counties. Ms. Finlayson added that counties need to realize that we may have a partially funded mandate. She also said that she is going to her council to plan now because the federal government may not give us all the money we need. Ms. Sadler said that we have always known that the

federal government may not give us all the money, but we turned in an application stating Marion County had 914 qualifying precincts. She said now a different criteria is being applied for the reimbursement plan.

Team members discussed at length the merits of the three tier system, and eventually agreed upon a two tiered system, with Tier A (formerly Tiers 1 and 2) counties applying for reimbursement as soon as they have purchased their new equipment, as early as this federal government FY 2003. Payments would be made on a first come first served basis, with the incentive being that the sooner you comply with HAVA the sooner you can apply for reimbursement. Tier B, and the remaining Tier A counties, could apply for reimbursement beginning in FY 2004. The monetary amounts would remain the same as under the original voting equipment subgroup plan, with Tier A counties receiving up to \$8,000 per precinct, and Tier B counties receiving up to \$4,000 per precinct. Chairman Rokita asked the following for the record: "Why worry about Tier A ahead of Tier B? Pam responded that Tier B counties have until January 1, 2006 to become ADA compliant and the need isn't as great as the need is for more lead time to bring Tier A counties up to speed. Chairman Rokita said that it is more than a matter of time and he wanted Team members to understand that, under current thinking, it is possible that Tier B counties might not see the money if the funds do not come in as expected. Additionally, if a county waits too long to comply, there may not be enough money. Ms. Finlayson added that if the federal government does not fund it entirely, someone will not get any money. Dave Bottorff (Association of Indiana Counties and proxy for Dick Dodge) expressed a concern with the first come and first served language due to the feeling that it forces counties to take a gamble. Dee Ann noted that she would like the DRE voting system with accessible unit referred to as a DRE-ADA unit. Team member, Mike Kiefer, questioned what "tiering" accomplishes. Laura Herzog responded that it controls the flow of money to give priority to the counties that are considered the biggest risk for jeopardizing HAVA monies. She doesn't want counties to compete against each other. Pam commented that it was not meant to be a carrot. Ms. Bottorff asked if bigger counties purchased first, would they take all the money. Chairman Rokita commented that reimbursement could be based on the application date. Ms. Grass feared that some of the Tier A counties would be last even though they know they have to do this. Dave Bottorff commented that some counties would not change until they see the money. Mr. Main said the first come, first serve provides an incentive to make a purchase and submit an application before all of the money is spoken for. Robin then questioned where the liability for compliance fell. Brad and Kristi noted that they thought counties could be liable if they do not comply with HAVA. Mr. Bottorff said that AIC likes the \$50,000 per county concept and Ms. Sadler said the two tier approach addresses her concerns.

Chairman Rokita then asked for the record if Team members really felt that Tier B counties should be placed behind Tier A for reimbursement, even if only for one federal fiscal year. Pam responded that relative to what the state faces she doesn't see any other way. Laura Herzog agreed with Pam. Regina Moore noted that she doesn't like her county being on the back burner for reimbursement.

Chairman Rokita suggested the Team take public comment as the meeting was running longer than expected and some members of the public might not want to stay.

Public Comment:

Steve Shamo, Microvote, inquired if the QPA requirements would remain the same. Chairman Rokita replied that had not been discussed yet, but if Mr. Shamo had any specific concerns, he was welcome to submit them to the Team in writing. Mr. Shamo pointed out that some counties that have already purchased systems and are paying interest and inquired if HAVA funds could reimburse them for interest. He further suggested that the Training and Education section include money for IED staff to attend national trade conferences.

Julie Booth, Accenture, offered that the Maryland plan might be a good source for more ideas on identification issues.

Tona Snowberger, citizen from Delaware County, reported that since people with disabilities are not all the same, the technology on the supposed accessible machines may not work for everyone. She had concerns about speech quality, instructions, and absentee ballots in Braille. She suggested a wide variety of people be allowed to test machines before they are deemed accessible. Chairman Rokita suggested that the Governor's Planning Council on Persons with Disabilities be involved in the QPA process.

Jody Courtney, Delaware County citizen and Count Us In, voiced concerns about accessible transportation to and from the polls.

Linda Muckway, Count Us IN, added that all counties should upgrade their software so that everyone was on the same page.

Phyllis Davis, Count Us In, was concerned that polling sites are not truly accessible, and she did not want poll workers taking up the accessible handicapped parking spots.

Mrs. Taylor called attention to a series of emails sent by Boone County Clerk Lisa Garoffolo regarding a volume discount. Lisa proposed that any savings on voting systems or software be given to the counties for election use as an incentive proposal. Ms. Finlayson thought that if there was extra money, it should go the strategic reserve to be redirected to another part of the plan later. Suellen Jackson-Boner likes an incentive idea especially if the monies could be redirected to training and education opportunities. Doris Anne thought the incentive to negotiate a cheaper price would allow counties to then spend the unused amount on HAVA related items. Mr. Laramore thought that bigger counties would benefit from this incentive. This issue was tabled for the next meeting.

Mr. Laramore requested ITOC work with the consultant on drafting the RFP, as long as HAVA permits. Mr. Winston wanted to make sure the process adhered to the Minority and Women owned Business standards.

Nick Rhoads discussed the idea of a survey to find out which precincts are accessible. Nick questioned whether precincts already surveyed by individual counties would need to be surveyed again. Jon and Pam both shared their concerns on consistency of guidelines and methodology. Chairman Rokita inquired if there should be a survey cap. Suellen stated that they looked at different ways to conduct the survey including the use of volunteers. Mr. King suggested the Team plan in the budget \$100 per precinct.

Section 7: Mr. King suggested a change in the language to reflect that Indiana did not have a statewide voter file in November of 2000, however the State was responsible for conducting the duplicate elimination program and that the approximate \$225,000 would be required as the state's maintenance of effort. Therefore the State would need to maintain that level of expenditure once the statewide voter registration system was established.

Section 8: Ms. Finlayson explained to the Team how the new statewide voter file could be designed to track both poll workers and provisional ballots. Ms. Boner-Jackson and Col. Ryan offered, in writing, some additional performance measures, dealing with poll worker recruitment and military absentee voters' guide.

Section 9: Facilitator Anita Kolkmeier reviewed the provisions in S.B. 268. Mr. Bottorff inquired if Rep. Richardson's earlier suggestion that a county be eligible for grievance funds was addressed, and the Team agreed that Secretary of State Rokita, along with the Indiana Election Division Co-Directors, should develop county guidelines, not inconsistent with state guidelines for application of reimbursement for this money.

Section 10: Team members found no objection to the language in the draft state plan.

Section 11: Team members found no objection to the language in the draft state plan.

Section 12: Team members found no objection to the language in the draft state plan.

Section 13: Team members found no objection to the language in the draft state plan.

Chairman Rokita asked the Team to return to Section 1 to discuss if the new QPA should give volume discounts. The Team expressed a desire for the QPA to include language concerning a volume discount, including purchases across county lines. Steve Shamo said that vendors don't like it if one county is assuming financial responsibility for another county.

Memos by Tom Gallagher, Julia Vaughn, and an email from Dee Ann Hart were incorporated into the plan.

Chairman Rokita reviewed the Executive Summary, What is HAVA?, and Glossary of Terms. He thanked Mr. King for his efforts writing the history of voting in Indiana. Team members made suggestions for changes to the documents, including adding the statute site for HAVA. Mr. Laramore again stressed that DREs might not be the only accessible machines, so the language should allude to the Team's willingness to consider other avenues in the future. Mr. Main requested the Team take up the issue of identification at the polling site at the final meeting, after the public comment period in June. Team members expressed their commitment to the public comment process.

Hearing no additional comments, Chairman Rokita adjourned the meeting at 5:30 p.m.

